

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

WILLIAM PLUMMER,

1: CASE NO. 04 CV-6770 AWI DLB P

Plaintiff,

ORDER DENYING RELIEF AS MOOT  
[Docs. 14, 15, 18, 19, 20]

vs.

WARDEN EDWARD CADEN, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed several motions concerning the court's prior orders requiring him to submit completed applications to proceed in forma pauperis. Plaintiff has now submitted a complete application and the Court granted plaintiff leave to proceed in forma pauperis on February 1, 2006, thus rendering the following motions moot: (1) On March 17, 2005, plaintiff filed a motion requesting that the court screen his complaint prior to ruling on his motion to proceed in forma pauperis and objecting to the \$150.00 filing fee; (2) on March 17, 2005, plaintiff also filed a "motion to commence action immediately" and for judgment, in which he also requested that the court proceed with his case without a completed application to proceed in forma pauperis; (3) on April 4, 2005, plaintiff filed a motion to vacate the Court's March 23, 2005 order which provided plaintiff a third opportunity to file a completed application to proceed in forma pauperis; and (4) on April 25, 2005, plaintiff again filed a "motion to commence action immediately," which appears to be a proof of service of the prior motion of the same title.

1 After numerous orders from this court and the dismissal of his appeals by the Ninth Circuit Court  
2 of Appeals, plaintiff filed a completed application to proceed in forma pauperis on December 27, 2005,  
3 which the Court granted on February 1, 2006. Accordingly, the motions listed above, dealing with  
4 plaintiff's requests that he be relieved of the obligation to either pay the filing fee for this action or to  
5 submit a completed application to proceed in forma pauperis, have been rendered moot by the Court's  
6 February 1, 2006 and relief is therefore DENIED.

7 The Court notes that on March 31, 2006, plaintiff filed a notice of appeal of this Court's March  
8 13, 2006 order denying plaintiff's request to vacate the order directing monthly payments to be taken  
9 from plaintiff's trust account. On July 12, 2006, the Court of Appeals dismissed the appeal for lack of  
10 jurisdiction. This Court can now proceed to screen plaintiff's complaint pursuant to 28 U.S.C. § 1915A.

11 IT IS SO ORDERED.

12 **Dated: September 6, 2006**  
13 3b142a

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE